

## CHAPTER 197

## MONEYS AND CREDITS TAX EXEMPTION

S. F. 201

AN ACT to repeal section four hundred twenty-nine point four (429.4), Code 1946, and to enact a substitute therefor relating to moneys and credits and the actual value of such property which any person is required to have listed or assessed.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section four hundred twenty-nine point four (429.4),  
 2 Code 1946, is repealed and the following substituted in lieu thereof:  
 3 "In making up the amount of moneys and credits, corporation  
 4 shares or stocks which any person is required to list, to have listed  
 5 or assessed, including actual value of building and loan shares, he  
 6 will be entitled to deduct from the actual value thereof the gross  
 7 amount of all debts in good faith owing by him, and in addition  
 8 thereto an amount of five thousand dollars (\$5,000.00)."

Approved May 5, 1949.

## CHAPTER 198

## COUNTY ASSESSORS

S. F. 320

AN ACT amending chapter two hundred forty (240), Laws of the 52nd General Assembly, relating to the appointment of county assessors, providing for the appointment of county assessors and providing for the manner of assessment of real and personal property in the state of Iowa, and amending chapter one hundred eighty-three (183), Laws of the 52nd General Assembly, relating to the compensation of assessors and auditors and to the tax levy to defray the expense of the county assessor's office in certain counties.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section one (1) of chapter two hundred forty (240),  
 2 Laws of the 52nd General Assembly, is hereby amended by striking  
 3 all following the word "created" in line two (2) thereof, inserting a  
 4 period, and adding thereto the following:  
 5 "All chief deputy assessors who have qualified for office under the  
 6 provisions of chapter two hundred forty (240), Laws of the 52nd  
 7 General Assembly, are hereby declared to be the county assessors of  
 8 their respective counties, and their terms shall expire January 1,  
 9 1950, except as otherwise herein provided."

1 SEC. 2. Section two (2) of chapter two hundred forty (240),  
 2 Laws of the 52nd General Assembly, is hereby repealed, and the fol-  
 3 lowing enacted in lieu thereof:

4 "Not less than ninety (90) days before the expiration of the regular  
 5 term of any county assessor, the county auditor is hereby authorized  
 6 to call a meeting of a conference as provided by the provisions of  
 7 section three (3), chapter two hundred forty (240), Laws of the  
 8 52nd General Assembly, for the purpose of determining whether or  
 9 not the conference board desires to reappoint the incumbent county

10 assessor for a new term of four (4) years or whether or not a new  
11 examination shall be held to provide eligibles for appointment as  
12 county assessor. The conference board shall have the power to re-  
13 appoint the incumbent assessor without re-examination if it sees fit  
14 to do so, and procedure for such appointment shall be similar to that  
15 provided for the appointment by the conference of members of the  
16 board of review. If such conference decides upon a reappointment of  
17 the incumbent assessor, notice of such reappointment shall be certi-  
18 fied to the state tax commission."

1 SEC. 3. Unless a reappointment has been certified to the state tax  
2 commission as provided herein, whenever a vacancy shall occur in  
3 the office of the county assessor or not later than sixty (60) days be-  
4 fore the expiration of the term of any county assessor, the state tax  
5 commission shall cause to be held an examination for county assessors  
6 in the county seat of said county. Notice of such examination shall  
7 be posted in a prominent position in the court house of such county  
8 seat and notice of such examination shall be published once in at  
9 least three (3) newspapers of general circulation in each county. In  
10 the event there are less than three (3) newspapers of general cir-  
11 culation in the county, publication made in available newspapers shall  
12 be deemed sufficient. Persons desirous of taking such examination  
13 shall notify the state tax commission in writing at least twenty (20)  
14 days before the date fixed by the tax commission for such examina-  
15 tion. The examination shall be open to all persons residents of the  
16 county for at least one (1) year, who desire to present themselves  
17 and who have notified the commission as above provided and who are  
18 qualified voters and residents of the county. The examination shall  
19 be conducted under rules and regulations prescribed by the state tax  
20 commission. It shall cover the general field of laws pertaining to the  
21 assessment of property taxation in Iowa; laws pertaining to tax ex-  
22 emption; the principles of valuation of real estate; laws pertaining to  
23 the assessment of personal property and the duties and powers in  
24 general of assessors. There shall be taken into consideration in the  
25 grading of candidates the executive ability, physical condition, ex-  
26 perience and general reputation of the candidate.

27 The state tax commission shall certify as rapidly as possible to the  
28 appointive conference of the county concerned, the names of eligibles  
29 for appointment as county assessor. This list of names shall include  
30 all persons who have passed examinations at a grade of not less  
31 than seventy per cent (70%). The same provision as to examina-  
32 tion and certification shall apply when the appointment is to be  
33 made of any full time deputy assessor by the county assessor, and the  
34 same examination may be taken by candidates either for the office  
35 of assessor or the position of full time deputy assessor.

36 In the event that no person taking an examination is found to be  
37 qualified by the state tax commission, a new examination shall be  
38 called in the same manner as the original examination and in the  
39 event that no applicant is found eligible in the second examination,  
40 the conference as provided by the provisions of Section Three (3),  
41 Chapter 240, Laws of the 52nd General Assembly shall appoint the  
42 county assessor or full time deputy assessor as the case may be, but

43 such appointee shall have been a resident of such county for the year  
44 preceding the date of such appointment.

45 Certification shall be made to the county auditor of the county  
46 for which the examination has been held, of the eligibility or in-  
47 eligibility of the persons who have taken the examination. Upon  
48 receipt of such certification the county auditor shall call a conference  
49 as provided by the provisions of section three (3), chapter two hun-  
50 dred forty (240), Laws of the 52nd General Assembly, which con-  
51 ference shall select from the eligible list the county assessor or full  
52 time deputy assessor as the case may be. The term of any county  
53 assessor thus selected shall be for four (4) years from the expiration  
54 of the term of his predecessor, except that in the case of any vacancy,  
55 not due to termination of a four (4) year term, the appointment  
56 shall be effective only for the balance of the term of the assessor who  
57 is succeeded in office, provided that when the unexpired term is less  
58 than one (1) year, the successor shall serve for the unexpired term  
59 plus four (4) years. Full time deputy assessors shall serve at the  
60 pleasure of the county conference. In the selection of an assessor or  
61 full time deputy assessor by the conference, the same procedure shall  
62 apply as to that for selection of members of the county boards of  
63 review.

64 Section three (3) of chapter two hundred forty (240), Laws of the  
65 52nd General Assembly, is also amended by inserting in line forty-one  
66 (41) after the word "town" and before the word "and" the words  
67 "or township", and by striking from line forty-eight (48) thereof the  
68 words "county board of supervisors" and inserting in lieu thereof the  
69 words "county auditor" and by striking from line fifty (50) thereof  
70 the words "the county auditor" and inserting in lieu thereof the  
71 words "any member of the county board of review" and by striking  
72 from line sixty-three (63) the words "board of supervisors" and  
73 inserting in lieu thereof the words "county auditor".

1 SEC. 4. Section four (4) of chapter two hundred forty (240),  
2 Laws of the 52nd General Assembly, is hereby repealed and the fol-  
3 lowing enacted in lieu thereof:

4 "Sec. 4. Each member of the county board of review shall receive  
5 compensation for his services at the rate of ten dollars (\$10.00) per  
6 day for the periods they are in session, plus mileage and actual ex-  
7 pense incurred in carrying out their duties. Qualified members of  
8 the county conference as provided by section three (3) of chapter two  
9 hundred forty (240), Laws of the 52nd General Assembly, as  
10 amended, shall be entitled to mileage and actual expense when away  
11 from their homes in the performance of their duties. Expenses in-  
12 curred under the provisions of this section shall be paid from the  
13 general fund of the county prior to January 1, 1950, and subsequently  
14 shall be paid from the county assessor fund."

1 SEC. 5. Section five (5) of chapter two hundred forty (240), Laws  
2 of the 52nd General Assembly, is hereby amended by striking from  
3 line two (2) thereof the words "chief deputy assessor" and insert-  
4 ing in lieu thereof the words "county auditor" and by striking from  
5 line three (3) thereof the word "auditor" and inserting in lieu thereof

6 the word "assessor" and by striking from lines four (4) and five (5)  
7 thereof the words "and the qualified list has been exhausted or is no  
8 longer in effect".

1 SEC. 6. Section six (6) of chapter two hundred forty (240), Laws  
2 of the 52nd General Assembly, is hereby repealed.

1 SEC. 7. Section seven (7) of chapter two hundred forty (240),  
2 Laws of the 52nd General Assembly, is hereby repealed and the fol-  
3 lowing enacted in lieu thereof:

4 "Sec. 7. The provisions of chapter twenty-four (24), Code of  
5 Iowa, 1946, shall apply to the preparation of budgets and the certi-  
6 fying of taxes for the maintenance of the county assessor's office, of  
7 the county boards of review and of the conference board. The county  
8 assessor shall prepare a proposed budget for the county assessor's  
9 office, and submit same to the county conference board which shall  
10 approve, disapprove, or adjust said budget. The county conference  
11 shall certify the tax levy required for operation of the office as pro-  
12 vided by chapter twenty-four (24), Code 1946, and the conference as  
13 created by the provisions of section three (3), chapter two hundred  
14 forty (240), Laws of the 52nd General Assembly, as amended, is  
15 hereby declared the certifying board as defined by section twenty-  
16 four point two (24.2) of the Code. Any tax for the maintenance of  
17 the office of the county assessor and other assessment procedure,  
18 shall be levied only upon taxing districts of the county which are  
19 assessed by the county assessor, except that in any county now or  
20 hereafter having a population of more than one hundred ninety-  
21 thousand (190,000) whose board of supervisors has contracted or  
22 may contract for the employment of expert appraisers to assist the  
23 county assessor in determining the value of property for taxation,  
24 the board of supervisors may levy a special tax against all the taxable  
25 property in the county and appropriate and expend the same for the  
26 purpose of paying the cost of such services, or return the same to  
27 funds from which transfers were made for such purpose. Section  
28 eight (8) of chapter two hundred forty (240), Laws of the 52nd  
29 General Assembly, is hereby repealed, effective as to taxes levied for  
30 collection in 1950 and each year thereafter."

1 SEC. 8. Section ten (10) of chapter two hundred forty (240),  
2 Laws of the 52nd General Assembly, is hereby repealed and the fol-  
3 lowing enacted in lieu thereof:

4 "Sec. 10. Compensation of deputies and assistants shall be fixed  
5 by the county conference and such deputies and assistants shall re-  
6 ceive actual necessary expenditures as approved by the county as-  
7 sessor and their appointment shall be subject to the approval of the  
8 county conference."

1 SEC. 9. The county board of supervisors shall provide adequate  
2 office space for the office of county assessor, including such services  
3 as are ordinarily afforded in any county office. The cost of equipment  
4 and supplies shall be included in the budget prepared by the county  
5 conference.

1 SEC. 10. Section twenty (20) of chapter two hundred forty (240),  
2 Laws of the 52nd General Assembly, is hereby amended by striking  
3 from lines six (6) and seven (7) thereof the words "county board of  
4 supervisors" and inserting in lieu thereof the words "county con-  
5 ference as created by section three (3), Laws of the 52nd General  
6 Assembly, as amended". Section twenty (20) is also amended by  
7 adding thereto "and the cost of such shall be paid from the county  
8 assessor fund, and provisions for costs of such service shall be made  
9 in the preparation of the budget for the county assessor's office."  
10 Section eleven (11) of chapter two hundred forty (240), Laws of the  
11 52nd General Assembly, is hereby amended by striking the period at  
12 the end of line 45 of said section and inserting a comma and adding  
13 thereto the following: "turn the completed assessor's books and  
14 records required for the preparation of the tax list over to the county  
15 auditor when the Board of Review has concluded its hearings and  
16 assist the auditor in the preparation of the tax lists, and as far as  
17 possible, in conducting the office of the county assessor, the county  
18 assessor shall work in conjunction with and use the facilities of the  
19 county auditor's office."

1 SEC. 11. As of the effective date of this Act all eligibility lists which  
2 have been certified by the state tax commission under the provisions  
3 of chapter two hundred forty (240), Laws of the 52nd General As-  
4 sembly, are hereby declared to be void and of no effect.

1 SEC. 12. Section four hundred forty-two point three (442.3),  
2 Code 1946, as amended by section forty-seven (47) of chapter two  
3 hundred forty (240), Laws of the 52nd General Assembly, is hereby  
4 amended by striking from lines one (1) and two (2) thereof the  
5 words "clerk of the city or clerk of the district Court" and inserting  
6 in lieu thereof the following: "the county assessor or the city asses-  
7 sor". Section forty-seven (47), chapter two hundred forty (240),  
8 Laws of the 52nd General Assembly, is hereby repealed.

1 SEC. 13. As of the effective date of this Act no further compen-  
2 sation shall be paid to the county auditors of the state under the  
3 provisions of subsection fourteen (14) of section two (2), chapter  
4 one hundred eighty-three (183), Laws of the 52nd General Assembly,  
5 and the duties of the auditor as ex officio county assessor shall be  
6 terminated, and the auditor shall forthwith turn over to the county  
7 assessor all records used in his office as county assessor and the county  
8 assessor shall assume any duties theretofore performed by the county  
9 auditor as ex officio county assessor.

1 SEC. 14. Section ten (10) of chapter one hundred eighty-three  
2 (183), Laws of the 52nd General Assembly, is hereby repealed and  
3 the following enacted in lieu thereof:  
4 "The county conference as established by the provisions of section  
5 three (3), chapter two hundred forty (240), Laws of the 52nd Gen-  
6 eral Assembly, shall fix the salary of the county assessor which shall  
7 not be less than that of the salary of the county auditor in each  
8 county but the salary of the county assessor until January 1, 1950,  
9 shall be the same as the salary of the county auditor in each county  
10 and the salaries as determined by the county conference shall become  
11 effective as of January 1, 1950."

1 SEC. 15. If any provision of this Act is declared unconstitutional  
 2 or the applicability thereof is invalid, the constitutionality and  
 3 validity of the remainder of this Act shall not be affected thereby.  
 4 Nothing contained in this Act shall affect the validity of any tax  
 5 levies authorized for collection during the year 1949 under the pro-  
 6 visions of chapter two hundred forty (240), Laws of the 52nd  
 7 General Assembly.

1 SEC. 16. Section eleven (11) of chapter two hundred forty (240),  
 2 Laws of the Fifty-second General Assembly, is amended by striking  
 3 therefrom the last section\* of sub-section two (2). Section fifty-  
 4 two (52) of chapter two hundred forty (240), Laws of the Fifty-  
 5 second General Assembly is amended by striking from line three (3)  
 6 the words "and are not specifically referred to in this act".

1 SEC. 17. This Act being deemed of immediate importance, shall  
 2 take effect and be in force from and after its passage and publication  
 3 in the Postville Herald, a newspaper published in the city of Post-  
 4 ville, Iowa, and the Mount Ayr Record-News, a newspaper published  
 5 in the city of Mount Ayr, Iowa.

Approved April 11, 1949.

I hereby certify that the foregoing act was published in the Postville Herald, April  
 27, 1949, and in the Mount Ayr Record-News, April 28, 1949.

MELVIN D. SYNHORST, *Secretary of State.*

\*According to enrolled Act.

## CHAPTER 199

### TAXATION OF OMITTED PROPERTY

S. F. 117

AN ACT to amend sections four hundred forty-three point six (443.6), four hundred  
 forty-three point seven (443.7), four hundred forty-three point eight (443.8), and  
 four hundred forty-three point eleven (443.11), Code 1946, relating to assessing  
 and listing for taxation omitted property, by the assessor.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section four hundred forty-three point six (443.6),  
 2 Code 1946, is amended by adding after the word "and" in line three  
 3 (3) thereof the words "the assessor or auditor".

1 SEC. 2. Section four hundred forty-three point seven (443.7),  
 2 Code 1946, is amended by adding after the comma (,) following the  
 3 word "property" in line two (2) thereof the words "assessor or".

1 SEC. 3. Section four hundred forty-three point eight (443.8),  
 2 Code 1946, is amended by adding after the word "said" in line two  
 3 (2) thereof the words "assessor or".

1 SEC. 4. Section four hundred forty-three point eleven (443.11),  
 2 Code 1946, is amended by adding after the word "the" in line three  
 3 (3) thereof the words "assessor or"; and by adding after the word  
 4 "the" in line four (4) thereof the words "assessor or".